

Proposal on:
Advisory Committees – Scope and Purpose
Format for Notice of Proposed Rulemaking
Presented by Robert Harrison, MD

1. The current OSHSB administrative guidelines for the Advisory Committees states (see Tab D, page 4 of our manual):

"Advisory Committees are utilized as a means to reaching some type of consensus between affected groups prior to beginning the rulemaking process...using advisory committees is cost effective. The mutually agreed upon regulatory approach only requires the preparation of one proposal and generally eliminates the workload associated with modifying a proposal during the rulemaking process. Also, it minimizes the number of comments on the proposal that have to be responded to."

I propose as alternative language:

"Advisory Committees may be established for purposes of convening affected stakeholders representing labor, management, health and safety professionals, and/or other interest groups. The overall purpose of the Advisory Committee is to solicit comments from affected parties regarding the scientific, technical, cost and feasibility issues as they pertain to the pertinent regulatory matter under consideration. The information supplied by Advisory Committee members is to be used solely for the development of alternative proposals for proposed rulemaking to be considered by the Board. Guidelines for conducting AP meetings are attached in Appendix D."

2. Stage I document preparation

This currently outlines the content of the Notice for Proposed Action, and includes the Initial Statement of Reasons. The guidelines state (see Page 5):

"The Initial Statement of Reasons must also include a description of any alternatives to the regulation and reasons for rejecting those alternatives."

I propose as alternative language:

"The Initial Statement of Reasons must include at least two or more alternative options with proposed changes to the regulatory language as noted above. For each of the alternative options, the Initial Statement of Reasons must also include a description of the relative pros and cons, including the scientific, technical, cost and feasibility issues associated with implementation."

3. Stage II document preparation

After the 45 day comment period and public hearing, and the 15 day comment period, an Updated Informative Digest and Final Statement of Reasons is prepared. I propose to add (see page 9):

"For each of the alternative options, the Final Statement of Reasons will explain how the option has been changed to accommodate each objection and/or recommendation and the purpose and necessity of the modification or the reasons for making no change shall also be included."

Summary:

In summary, the intent of the changes would be to change the operation of the Advisory Committees away from consensus and towards advisory only. As a result, the staff would need to develop Initial and Final Statement of Reasons that show alternatives that can be debated and voted on by the Board. My reading of the Board manual is that the current system was developed solely as an administrative device to streamline the process, and could be easily changed.

I appreciate your consideration of these proposals,

Robert Harrison MD
Occupational Health